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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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JUL 20 2009

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IN THE MATTER OF THE APPLICATION OF
EXTENET SYSTEMS, INC, FOR APPROVAL
OF A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE PRIVATE LINE
POINT-TO-POINT FIBER TRANSPORT
SERVICE FOR WIRELESS SERVICE
PROVIDERS.

DOCKET NO. T-20597A-08-0320

PROCEDURAL ORDER

BY THE COMMISSION:

On June 24, 2008, ExteNet Systems, Inc. ("ExteNet" or "Company"), submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide private line point-to-point fiber transport service for wireless providers in Arizona ("Application").

On July 22, 2008, the Commission's Utilities Division ("Staff") filed its Letter of Insufficiency and First Set of Data Requests ("Data Requests") in this matter.

On August 12, 2008, ExteNet filed its response to the Data Requests.

On December 24, 2008, Staff filed a Staff Report in this matter and recommended approval of the Application.

On December 30, 2008, by Procedural Order, the matter was set for hearing on March 11, 2009.

On January 14, 2009, ExteNet filed a Motion to Reschedule Hearing, requesting that the hearing be expedited and rescheduled for February 2009 because potential customers were awaiting the Commission's approval of ExteNet's application before committing to orders. ExteNet's request indicates that Staff has no objections to expediting the hearing and that no party will be prejudiced.

On January 16, 2009, a Procedural Order was issued rescheduling the hearing for February 17, 2009, and new procedural deadlines were established.

1 On February 17, 2009, the hearing was convened before a duly authorized Administrative
2 Law Judge of the Commission at its offices in Phoenix, Arizona. The Company and Staff appeared
3 through counsel. No members of the public appeared to give public comment.

4 On July 13, 2009, ExteNet filed a Motion for a Procedural Conference ("Motion"). The
5 Motion requests a procedural conference to discuss the timeframe for the application in this matter
6 and to discuss issues raised in the pending application of NewPath Networks, LLC, Docket No. T-
7 20567A-07-0662, that may effect ExteNet's application.

8 Accordingly, a procedural conference should be scheduled to discuss the status of this
9 application in light of the jurisdictional and policy issues that have been raised in the pending
10 NewPath Networks, LLC application.

11 IT IS THEREFORE ORDERED that a **procedural conference** shall be held on **July 27,**
12 **2009, at 10:00 a.m.** at the Commission's offices, Room 100, 1200 West Washington, Phoenix,
13 Arizona 85007.

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
15 Communications) continues to apply to this proceeding.

16 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
17 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and
18 before the Commission and admission *pro hac vice*.

19 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
20 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
21 Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all
22 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
23 for discussion, unless counsel has previously been granted permission to withdraw by the
24 Administrative Law Judge or the Commission.

25 ...

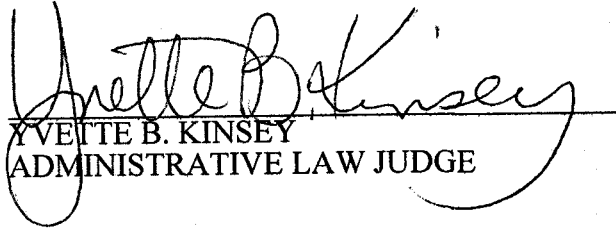
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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 Dated this 20th day of July, 2009.

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6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 20th day of July, 2009 to:

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26 By:

27 
Debra Broyles
28 Secretary to Yvette B. Kinsey